

COMMISSIONERS
DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

DOCKET CONTROL

ORIGINAL

DATE: OCTOBER 6, 2016

2016 OCT 6 AM 11 11

DOCKET NO.: RR-02636A-14-0181

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Scott Hesla. The recommendation has been filed in the form of an Order on:

COPPER BASIN RAILWAY COMPANY
(EXTENSION OF TIME DEADLINE IN DECISION NO. 74851)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

OCTOBER 17, 2016

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

OCTOBER 27, 2016 AND OCTOBER 28, 2016

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

OCT 06 2016

DOCKETED BY	
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JODI A. JERICHER
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

On this 6th day of October, 2016, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

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By:



Debbi Person
Assistant to Scott Hesla

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 DOUG LITTLE – Chairman
4 BOB STUMP
5 BOB BURNS
6 TOM FORESE
7 ANDY TOBIN

8 IN THE MATTER OF THE APPLICATION OF
9 PINAL COUNTY FOR APPROVAL TO MODIFY
10 AN EXISTING CROSSING OF THE COPPER
11 BASIN RAILWAY COMPANY AS PART OF THE
12 PROPOSED KELVIN BRIDGE REPLACEMENT
13 PROJECT IN PINAL COUNTY, ARIZONA,
14 USDOT NO. 742-396E.

DOCKET NO. RR-02636A-14-0181

DECISION NO. _____

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 74851

11 Open Meeting
12 October 27 and 28, 2016
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the
17 Commission finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On June 6, 2014, Pinal County ("County") filed with the Arizona Corporation
20 Commission ("Commission") an application for approval for the Copper Basin Railway Company
21 ("Railroad") to modify an existing at-grade crossing and construct a new grade-separated crossing as
22 part of the Kelvin Bridge Replacement Project near the community of Kearny, Pinal County,
23 Arizona, at USDOT NO. 742-396E.

24 2. On December 18, 2014, the Commission issued Decision No. 74851 which approved
25 the application and ordered, among other things, the Railroad to complete the crossing upgrades
26 within two years of the effective date of that Decision.

27 3. Based on the effective date of Decision No. 74851, the deadline for completing the
28 crossing upgrades is December 18, 2016.

4. On September 19, 2016, Pinal County filed a Motion to Extend Pinal County's Due Date in the Order for Decision No. 74851 ("Motion") requesting that the deadline for completing the crossing project be extended until December 18, 2018. According to Pinal County, the crossing project has encountered an environmental clearance problem due to the habitat of the Southwestern Willow Flycatcher. Pinal County represents that it has contacted counsel for the Commission's Safety Division, Railroad Safety Section ("Staff"), and Staff has no objection to the extension request. The Railroad did not file an objection to the extension request.

5. There being no objection, and good cause appearing, Pinal County's request for an extension of time to complete the crossing project is hereby granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Railroad and over the subject matter of the Motion pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337, and 40-337.01.

2. The requested extension of time to comply with the requirements of Decision No. 74851, as discussed herein, is reasonable and in the public interest.

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4. <i>Haemophilus influenzae</i>	100	100	100
5. <i>Legionella pneumophila</i>	100	100	100
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7. <i>Escherichia coli</i>	100	100	100
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11. <i>Candida albicans</i>	100	100	100
12. <i>Aspergillus fumigatus</i>	100	100	100
13. <i>Cryptosporidium parvum</i>	100	100	100
14. <i>Toxoplasma gondii</i>	100	100	100
15. <i>Giardia lamblia</i>	100	100	100
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ORDER

IT IS THEREFORE ORDERED that the deadline for the Copper Basin Railway Company to complete construction of the crossing project, as required by Decision No. 74851, is hereby extended until December 18, 2018.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN LITTLE

COMMISSIONER STUMP

COMMISSIONER FORESE

COMMISSIONER TOBIN

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2016.

JODI A. JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
SMH:rt

1 SERVICE LIST FOR: COPPER BASIN RAILWAY COMPANY

2 DOCKET NO.: RR-02636A-14-0181

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